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The national framework in international migration: continued importance in times of constant challenges

Abstract:

By analyzing issues of citizenship and asylum policies in a French-German context, this article shows in how far “national belonging” as a category remains relevant in both social research and social reality. Discussing critically the notion of declining relevance of the concept of “nation” in recent academic contributions, the aim of this article is to provide empirical cases which underline the continuance of the analytical categories of nation and national belonging for social research.

Referring in particular to the traditional antagonism of the German “ethnic” and the French “political” understanding of nation and national belonging, this article argues that supra-national forces such as the EU or the partial permeability of national borders to immigration flows have a strong impact on the self-definition of these national societies. With their methodological consequences for the use of “nation” as a concept in the social sciences, these political and social changes illustrate that “nation” cannot be seen as a hermeneutic and unchangeable category of societal life. In this context, the authors interpret the reform of the German citizenship law in 2000 as a significant shift towards an open political society – in contrast to an ethnic understanding. According to the authors, nation and national belonging become particularly relevant in the definition of and struggle over citizenship, i.e. is this national institution inclusive or exclusive vis-à-vis immigrants? The analysis of the French and the German asylum-procedure shows that national belonging is a highly significant element in the treatment of asylum claims.

Keywords: Germany – France; Comparative methods; Nation; Citizenship; Asylum policies; Immigration; Social research

1 Introduction

Both Germany and France are old European nation states with distinctive legal and cultural traditions. Their models of nationhood and citizenship, for instance, used to be seen as opposites (see for example Brubaker 1996, Gosewinkel 2001). Comparative research often underlines that the concept of nation and integration in France goes back to the revolution and promotes quick integration of immi-

grants, whereas Germany's rather traditional conception makes a clearer distinction between Germans and "foreigners" (Collet 2003, p. 234f.). France considered itself a country of immigration much earlier and introduced active policies for immigration and integration while this awareness emerged rather late in Germany.

The history of both nations plays an important role in regard to their approach to issues of migration, naturalization and asylum. The commitment to international asylum law is often described as being linked to the painful experiences with German national-socialism and totalitarianism during the Third Reich. National law reflects national traditions and social norms. Beyond established differences, today, the European process of communitarization and harmonization is putting national particularities and state sovereignty in the field of immigration policies into question. Some researchers point to the emergence of "European citizenship" (Wiener 1998; Apitzsch 2012). Moreover, the globalization and technical progress encourage long-distance migratory movements and transnational practices that make national societies become increasingly heterogeneous and diverse.

Since both actual and virtual borders have lost relevance in the Europeanized and globalized context, the importance of the concept of nation in social research is in question. Hence, social research is to address if a loss of competences of the nation state in the process of globalization can be empirically observed. The aim of this article is to make a contribution to the debate on the relevance of the nation state. Firstly, the question will be discussed whether the nation state is a declining or perhaps even obsolete element of social reality, or if it maintains its influence and relevance for social and political life. On the basis of theoretical approaches presented by different authors, the second part proposes an evaluation of the nation state's importance by presenting two empirical fields: the debate over citizenship policies and practices, and the administrative treatment of asylum claims in France and Germany. The findings of the theoretical and empirical part will show how social sciences can take into account current challenges to the significance of the nation state.

2 The concept of nation in social research

2.1 Nation as an empirical criterion and a socio-political reality

Despite the processes of European communitarization and globalization calling into question the framework of nation states, empirical social research on a cross-social level still largely relies on the national framework. First, it is helpful to consider how this framework appears in methodological constructions of empirical studies in social science.

Citizenship as a legal status of the individual is an often-used and statistically surveyed *socio-demographic* variable. Even if citizenship is (still) strongly associated with the nation state (Mackert 2006; Mackert/Müller 2007), this link is increasingly put into question by several other social scientists. Traditionally, the institution of citizenship integrated different cultural and social groups on an equal footing into the same society. The question today is whether this function of

citizenship can be seen as linked to the framework of the nation state, or whether this framework is widened and modified by the processes of immigration, supranationalization and globalization. Since a country's language as an integrating factor remains omnipresent, national citizenship is not the only, but arguably the most important point of reference for individuals in terms of belonging.

Besides being a *socio-demographic* feature of individuals, nationality frequently determines the framework of scientific observation and reflection. Thus, nation is embedded in a scale of *socio-geographical* unities of observation, ranging from small entities such as neighborhoods, cities or counties to big ones such as confederations, continents, up to the global level. As Matthes (1992) points out, sociological thinking seems to require spatially defined objects, such as "societies of a nation state that are distinctive from other societies while organizing and harmonizing its parts according to quasi-spatial, collective characteristics to achieve, for example, governability" (Matthes 1992, p. 87, translation by the authors). Many contemporary studies are evidence of the frequent use of nation as a basic *socio-geographical* criterion and scale of observation.

The methodological question of whether nationality and nation state can still be considered as *a priori* valid references of sociological reflection and research-design appears to be derived from a rather empirical question: Is *the national* really losing importance in the modern world? Is the importance of the nation state declining? Is national belonging still relevant for the understanding of social reality? Hence, the importance of the national criterion needs to be discussed on two levels: firstly, the *de facto* importance of nation states for the social, political and economic life, and, accordingly, the way that social science should take the national framework into account in empirical studies.

2.2 Is the national framework losing importance in social reality?

Numerous researchers assert that the nation state is losing sovereignty and power in the age of globalization (Soysal 1994, Pries 2008, Benhabib 2008, Habermas 1996, p. 128f. and 1998, p. 105 f.). Analytical approaches such as Ludger Pries' (2008) thesis of *transnationalization* or Thomas Faist's (2000) concept of *transnational spaces* consider national borders as increasingly permeable – especially to transnational activities of migrants. Nevertheless, Pries states that nation states and national societies will remain an important reference "for the processes of self-perception and perception by others, for every-day life, for organizations, and for social institutions" (Pries 2008, p. 37, translation by the authors). Indeed, several researchers disagree with the hypothesis of progressively disappearing national borders, even if they do perceive the blurring of these borders (see for example: Bauman 1998, Malcom 2001, Holzer/Schneider 2002, Bouteillet-Paquet 2001). Namely in the field of international migration, and especially pertaining to certain migratory flows from disadvantaged to privileged parts of the world, borders prove to be more rigid and strictly controlled than ever. A quote from Andreas Wimmer's and Nina Glick Schiller's remarkable article on *methodological nationalism* sums up: "After the first flurry of confusion about the nature and extent of contemporary process of globalization, social scientists moved beyond rhetorical generalities about the decline of nation state and began to examine the ways in which nation

states are currently reconfigured rather than demolished” (Wimmer/ Glick Schiller 2002, p. 301).

Besides the rigidity or permeability of national borders and the influence of national governments, a third aspect is to be considered when examining today’s importance of the concept of nation: *citizenship* as a legal concept and as a marker of identity and belonging. The debate between Seyla Benhabib and Will Kymlicka illustrates how these elements are interconnected. Benhabib defends the possibility of cosmopolitan norms, whereas Kymlicka believes in the future importance and relevance of the liberal nation state. According to Benhabib, the emergence of supranational structures like the EU leads to the loss of sovereignty and competences of the nation state. Although she believes that this implies the end of uniform citizenship, it does not mean that its influence on our political imagination or its normative power on our political institutions will automatically cease (Benhabib 2008, p. 45).

To strengthen her thesis of the disaggregation of citizenship, Benhabib cites the dissociation of civic rights formerly linked to the status of citizenship. The voting rights of non-citizens on the local level of European countries, or the concept of free movement of EU-citizens within the Schengen area show that citizenship is no longer limited to the “national citizens” (see also: Soysal 1994 and 2000). Furthermore, the concept of “European citizenship”, emerging in EU policy since the 1990s, has to be mentioned. European citizenship was introduced in 1992 by the Maastricht Treaty, and exists parallel to national citizenship of the member states. Even with European citizenship developing within the EU as a “non-state”, we can clearly observe the institutionalization of citizenship rights for European citizens valid outside of their home countries (see Wiener 1998). Thus, Benhabib raises an important question: what impact on the concept of *demos* will a supposed rise of “cosmopolitan norms” have? In the future, will this concept refer to a national and limited society, or an international society based on cosmopolitan norms? Benhabib asserts a need to consider forms of political action and subjectivity which anticipate new modalities of political citizenry (Benhabib 2008, p. 45). In contrast to Benhabib, Kymlicka argues that the liberal nation state will maintain its importance since other governance structures are not ready to take over the competences of the national societies. Furthermore, according to Kymlicka, individuals continue to refer to national societies and languages and not to abstract European or cosmopolitan entities (see Kymlicka 2008).

All in all, it appears that the nation state has lost its self-evidence – which is not to say that it has lost all its power, legitimacy and authority. Similarly, Jan Spurk underlines the error in the *theorem of modernity*, which predicts the progressive alignment of the whole world to one common model and the disappearance of national particularisms. In order to take into account these current reconfigurations of national and international space, social scientists have to partially review their methodology and overcome deceptive methodological nationalism. One should not “make the national frame become an inert variable” (Spurk p. 79, translation by the authors).

2.3 Nation as a continuing legal, social and imaginary construct

The debate on the concept of nation in current social research is dominated by the critique of a scientific approach called *methodological nationalism*. Critical authors use this term to highlight the disadvantages of the idea that something as static and confined as a national society could be grasped empirically. Wimmer and Glick Schiller distinguish three variants of *methodological nationalism*: unawareness of modernity's national framing (and that this framing is not self-evident), naturalization of nationally-bounded societies as entities to study and, finally, territorial limitations of social sciences' imagination. According to the *container model* of society dominant in social sciences after the Second World War, "the citizenry is mirrored in a national legal system, the sovereign in the political system, the nation in the cultural system and the solidary group in the social system, all boundaries being congruent and together defining the skin holding together the body of society" (Wimmer/Glick Schiller 2002, p. 309).

Evidently, such a conception of nation and society has consequences for the way social research is designed and conducted. Therefore, several socio-scientific researches currently try to draw attention to the outdated character of the national category. One of the most vehement critics of *methodological nationalism* is the sociologist Ulrich Beck. According to Beck, social research will invariably err if it keeps basing empirical studies on the socio-demographic criterion of national citizenship and continues to take for granted the scientific validity of the national framework (as a *socio-geographical* unit of observation). As the idea of a world comprised of nation states becomes unrealistic, science based on this presupposition becomes unrealistic too. For a more adequate analysis and better comprehension of the modern social world, Beck proposes the concept of *methodological cosmopolitanism*. He considers this new approach especially urgent as the salience of the concept of nation in the popular and scientific reflection does not correspond to its *de facto* importance in the contemporary world.

While social research has been focusing on (and somewhat been blinded by) the national framework for a long time, the inclusion of an international dimension seems to become increasingly common. This tendency may be observed in the multiplication of studies including bi- or multinational comparison. However, international comparison is still in a sense hostage of the national framework, as researches tend to "determine unities of comparison spatially" (Matthes 1992, pp. 86–87, translation by the authors). Nation states still are the predominant reference for comparative studies. The legitimacy of this methodology appears questionable. Thus, Michel Lallement notes that, "even though we formally keep on comparing objects that are integrated in national territories, the framework forged by the nation state is transcended from the bottom up (movements of decentralization and governance) as well as from the top down (development of networks, globalization, construction of the social Europe...)" (Lallement 2005, p. 181, translation by the authors).

This is not to say that international comparison is necessarily committing the error of *methodological nationalism*. Rather, it is noteworthy, as Henry Teune puts it, that "today any comparison of countries must take the international-global system into account and consider the vulnerability of countries to penetration from transnational human organizations as well as the world's physical and biological

‘environments’” (Teune 1990, p. 53). By changing one’s perspective to include international social and political space, phenomena whose perception and analysis seems difficult from an exclusively national point of view appear more clearly. International migration represents a research topic whose analysis requires a broad perspective due to its inherently international character. Wimmer and Glick Schiller argue that the model of *container society* described above is nowadays particularly weakened by international migration. Since immigrants “destroy the isomorphism between people, sovereign and citizenry”, they must, from the point of view of national doctrine and *container model*, “appear as antinomies to an orderly working of state and society” (Wimmer/Glick Schiller 2002, p. 309).

While it may certainly be considered a challenge to the nation state, the existence and increase of international migration in the course of globalization does not necessarily entail a weakening of the political construct of the nation state or a vanishing of national borders. Public problems are, in spite of the multiplication of international norms, still generally treated and resolved on a national level (Lima/Steffen 2004, p. 345). For the field of migration policies, it is debatable „if true common migration policy can be established in the near future on the basis of unanimity, different national legal traditions, and varying political ties of migrants’ countries of destination and countries of origin” (Köppe 2004, p. 152, translation by the authors).

Bi-national comparative studies concerned with the political and administrative treatment of migratory phenomena in Europe are informative when discussing the significance of the *national* category. In our view, the category of nation or national society will in *some* societal contexts remain an important element for socio-scientific analysis and understanding. Empirical examples shall illustrate this in the case of international mobility and support our argument that national citizenship still is one “objective” and legal category of belonging and far from being replaced by European or even global citizenship.

3 Nationhood and citizenship in social research: two examples of bi-national studies adopting the institutional perspective

The following two empirical studies are both French-German comparisons adopting an institutional and legal-administrative perspective respectively. The first considers the question of national belonging and citizenship related to immigration: It illustrates how the category and the phenomenon of “national belonging” influence the relationship between members of majority and minority in the context of two immigration countries. The second example looks at the national asylum systems of both countries which are challenged by the ongoing process of European harmonization.

France and Germany have traditionally been seen as prime examples of national societies in Europe. Thus, as demonstrated by the debate on citizenship and asylum policies, “nation” is still a major category of social relations and a highly controversial and uncertain social construction. Unsurprisingly, Beck is skeptical of such studies based on the comparison of national units: „this false inference

from national to universal society was criticized and corrected from the beginning by the method of international comparison, for which single case studies are necessary but not sufficient to make general statements about modern society. However, this approach is conceived and practiced in the form of comparison between national societies [...]” (Beck 2006, p. 28, translation by the authors). Let us illustrate how bi-national comparison in social research is possible without committing the errors of methodological nationalism.

3.1 National belonging, citizenship and naturalization policies in France and Germany

Despite the progressive citizenship and integration policies in Germany and France, immigrants’ identification with the “national community” is highly controversial. Due to the aging population, a trend that is even stronger in Germany than in France, these two traditional immigration countries appear to be reliant on continued immigration. This trend has certainly changed the image of the German nation which traditionally sees itself as a culturally homogenous entity. Processes such as the integration of immigrants as new citizens can possibly change the self-understanding of national societies who have, somewhat reluctantly, become increasingly multicultural. The question of national belonging to the “changing nation” for both, the “autochthonous population” and especially for the new citizens, is a highly complex terrain which has to be reevaluated. In France, the debate on *national identity* sporadically gains relevance¹. In Germany, the debate on *leading culture* (“*Leitkultur*”) versus *multicultural society* has caused animated public debates since 2000. Both debates centered on immigrants changing the image of the German and the French nation and, furthermore, on whether and to what extent immigrants are part of the national society.

Hence, we see immigration as a process which calls into question long-standing ideas of national identity. In this context of confrontation of immigrants with the majority society, it seems that the question of national or ethnic identity regains importance for both sides. Contrary to the assumed static characters (political French versus ethnic German nations), the recent societal and political changes show that the categories of “nation” and “citizenship” are not static but subject to permanent change in both countries (Gerdes/Faist, 2006).

Two antagonistic models of citizenship?

Even though *nation* as a political and social phenomenon has a dynamic, ever-changing character, it was assumed by most researchers that German and French understandings of nation differ fundamentally. Perhaps the most prominent advocate of this antagonism was the American sociologist Rogers Brubaker. Today, however, this opposition is perceived as constructed and too rigid. The following paragraphs shall outline the most important reasons for the end to this antagonism.

From a historical viewpoint, the German case of nation-building and the conception of the German nation state are considered to be ethnic, whereas the French model of nation is supposed to coincide with a relatively open political community based on voluntary belonging of its members (see Schnapper 2003). The opposition of German and French models of nation has profoundly affected the international study of nationalism and citizenship².

Political changes have challenged the thesis of a fundamental difference between the German and French understandings of nation and citizenship, i.e. the reform of the German citizenship law in 2000. There is also a central scientific critique against Roger Brubaker's thesis³. It aims at its determinist character that interprets the German and French conceptions as antagonistic and deep-rooted⁴. Although this conceptual antagonism has been very influential in historical, social, and political research, it has lost its former power of explication. Other authors currently try to demonstrate the convergence of the two formerly antagonistic models⁵. This convergence is all the more valid in the context of European harmonization. All in all, French and German models of citizenship and nation can serve as an appropriate field of investigation in order to illustrate the dynamic character of the concept of nation and citizenship.

Converging rates of naturalizations in Germany and France

The rate of naturalization of immigrants had been much higher in France than in Germany until the 1990s, hence the image of French society as an open community of citizens (Schnapper 2003). It easily accommodates immigrants and accepts them relatively openly as equal French citizens. The German naturalization practices were comparatively more restrictive until the end of the 1990s. But due to the reform of the German citizenship law in 2000, the number of naturalization has increased in Germany and over few years even reached a level superior to the French⁶.

While France registered 35,000–70,000 naturalizations per year between 1973 and 1990, in the same period, Germany only had 10,000–15,000 naturalizations per year. The first reform of the citizenship law in Germany in 1991 led to a significant increase in the naturalization rate; e.g. more than 80,000 in 1996 (for all these figures see Hagedorn 2000, p. 26). In 2000, the year of the reform of the German citizenship law, the number of naturalizations reached an all-time record of 186,700. Since that time, naturalizations in Germany have been decreasing, e.g. 94,500 in 2008⁷. On the other hand, the rate of naturalizations in France averaged 140,000 per year between 2000 and 2010⁸.

Arguably, German reunification has contributed to a clarification of the immigrants' status since it led to an inner and territorial consolidation of the German state (Gosewinkel 2009, p. 46). Despite obvious convergence, what areas of societal life continue to display ethnic or culture-based elements for the understanding of being German or French remains in question. Today, the notion of being German is widened by the fact that immigrants acquire German citizenship and become full members of the *national community*. For quite some time, an ethnic understanding of national identity had been prevalent in Germany, at least until the reform of citizenship law in 2000. However, it may be argued that so-called "political nations" such as France are equally exclusive, in that they require cultural assimilation to the political community.

3.2 Two national asylum systems: France and Germany

In order to further discuss the significance of national categories, asylum-policy appears to be another instructive example: questions of national identity, national origin, national traveling documents, and national sovereignty play a key role.

When considering asylum issues, the concepts of nation and nationality are particularly uncertain, as they are subjected to various interpretations. At once, they are highly significant since they influence the outcome of the asylum procedure. The same is true for the two geographic contexts of the asylum issue: the country of origin and the country of destination. Regardless if these contexts may be unequivocally considered as *national* contexts or not, migrants establish a link between them. In doing so, they challenge and confront various conceptions of national belonging. The refugee embodies the conflict-generating dimension of the concept of nation, both in the country of origin and the country of destination. This is why the (forced) migrant can be seen as an indicator of the issues generated by the concept of nation.

An asylum application in Europe can only be addressed to a nation state. Entering the asylum procedure, the applicants are channeled into an administrative apparatus managed on a national level where a public officer will assess if the applicant is to be considered a refugee or not. The asylum procedure can be interpreted as a moment of collision between the international human rights regime and national civil rights regimes.

At this point, the considerable efforts made by the European Union to harmonize its member states' asylum policies and laws should be mentioned. The various directives recently enacted in the field of asylum policies aim at setting minimum standards and common rules regarding the reception of asylum seekers and the processing of their application. As such, they mediate between international asylum law (the Geneva Convention of 1951) and the respective national asylum laws. It is instructive to observe that practically *all* socio-political actors (national governments, national administrations, NGOs, lawyers, international actors such as the UNHCR and of course the European committees) agree on the importance of harmonizing the asylum policies. However, this apparent consent conceals deep antagonisms about the actual design of the common European asylum system. The nation states often remain focused on their own interests and on safeguarding their sovereignty – despite their official call for harmonization. The provisory result is, to some extent, a harmonized European asylum system based on the Dublin II-mechanism⁹, encompassing a variety of national asylum procedures. Nowadays, this state is widely accepted – for instance, Schuster notes that “harmonization remains an ideal to which all these countries are committed, though there are different understandings of what it might mean” (Schuster 2001, p. 121, translation by the authors). According to Düvell and Jordan, “national particularities are still important, and here history, tradition and national identity still play a significant part” (Düvell/Jordan 2002, p. 512; on this question, also see: Le Pors 2005, Neumayer 2004 and 2005).

Empirical research on national asylum offices: BAMF and OFPRA

After discussing the concept of nation with regard to asylum policies, it is instructive to look at the results of empirical research on the French and the German asylum system or, more precisely, the two national institutions charged with handling asylum claims addressed to countries, respectively.

Beyond the growing similarities between the French and German asylum procedures caused by the implementation of European asylum law, our sociological look from inside two central institutions enables us to pinpoint several minor, but important, differences. The detailed observation and the comparison of the two administrations allow a more profound understanding of the operations of nation-

al asylum systems and their integration in European structures. By contrasting, bi-national comparisons reveal their informative properties (which have been described by various authors concerned with the methodology of international comparison, for instance Lallement/Spurk 2003).

First, a fundamental organizational difference must be pointed out. While the French asylum system is centralized, the German system functions according to the federal principle. In Germany, asylum seekers cannot freely choose where to settle. State authorities assign them to a certain territory that they are not allowed to leave. Authorities provide housing, food, and a complementary allowance. The German system based on control and assistance is distinct from the French system, which offers more leeway but also less assistance¹⁰. Asylum seekers are allowed free movement on French territory, but the state organizes housing for only about a third of them. Subsistence allowances are provided as monthly cash remittances by the state. Thus, material conditions of asylum seekers vary across national borders: Even if both systems conform to minimum European standards¹¹, the German and French provisional systems are shaped quite differently.

Taking a closer look at the French and the German institutions illustrates the way officials interpret and accomplish their task, which varies according to the institutional (and hence national) context. These differences are linked to the very different socio-professional composition of the staff. While the German “Office for migration and refugees” (*Bundesamt für Migration und Flüchtlinge* – BAMF) recruits its asylum officers exclusively in legal or administrative degree courses, the recruitment for the “French office for the protection of refugees and stateless persons” (*Office français de protection des réfugiés et apatrides* – OFPRA) is more extensive and gives favor to candidates with skills in foreign languages, geopolitics, humanitarian or international law. Furthermore, the majority of French asylum officers are predominantly young women starting their professional career. Contrarily, the large majority of their German colleagues are men who have been working as asylum officers for about twenty years. Indeed, the turnover of the OFPRA staff contrasts with the stability observed at the BAMF. These differences have significant effects on the way asylum officers accomplish their daily work: the mostly young and recently hired OFPRA officers seem to encounter their professional task with more idealism and personal commitment, are more passionate and emotional about their daily work. The older, very experienced BAMF officers appear somewhat fatigued, emotionally less affected, and sometimes cynical about the problems they are dealing with¹².

While the differences observed in the way asylum officers deal with their tasks, the general institutional history and discourse presents similarities: in both institutions, leading officers willingly emphasize the “tradition of asylum” in the respective country, as well as their commitment to the noble task of protecting persecuted foreigners. In Europe, France and Germany have always been among the countries who received the largest number of asylum seekers. It should also be noted that the composition of the asylum seeking population received by each country differs. Generally, a higher rate of men is observed among asylum seekers than in the overall immigrant population. In 2011, 39.7% (France) and 38.3% (Germany) respectively of the asylum seekers were women, whereas the proportion of women among the overall immigrant population reached 52.3% (France) and 43.5% (Germany) the same year¹³.

The national asylum institutions were founded in 1952 (OFPRA) and 1953 (BAFL¹⁴ – named BAMF today). During the first 60 years of their existence, they

went through profound changes and reforms. In the last 15 years, they have increasingly been confronted with the requirements and rules induced by increased European cooperation in matters of asylum. As mentioned above, the necessity for this enhanced cooperation is not being contested, especially due to the situation after the abolition of intra-European border controls. Nevertheless, empirical research demonstrates the inertia of the national bureaucratic institutions and the national resistance to change established practices and principles. Not only in the European, but also in national contexts, asylum still represents a topic debated heavily and polemically.

The importance of the national criterion in the assessment of asylum claims

The fundamental institutional mission of asylum offices is to grant (or to refuse) a status of international protection to the applicants. By virtue of the institutional supposition that most of the asylum claims are unfounded or even fraudulent, the main task of those in charge of the decision is to verify the assertions of the asylum seekers. The fundamental doubt displayed by administrations is rooted in the experience of asylum applications that, in the officer's eyes, appear fraudulent. For example, applicants conceal their real nationality frequently. Enhancing their (imagined) chances of obtaining a protection status is one of the motives for such concealments. Asylum seekers also have an interest in obscuring their national origin since this might impede their expulsion in (the statistically probable) case of the rejection of their asylum claim. Finally, France and Germany provide special processes disadvantageous to asylum seekers from third countries considered "safe" by the receiving country – another fact that may motivate false declarations concerning national origin. It becomes clear that nationality and citizenship are key elements in the assessment of asylum applications as they form criteria that may have procedural consequences for the applicant.

Asylum officers frequently complain about the lack of objective criteria to assess the legitimacy of an asylum claim, especially the uncertainty about the actual origin of persons who do not present any valid identity documents. Negative decisions on asylum applications often contain formulations like the following, taken from a decision of the BAMF: *"Considerable doubts exist concerning the candidates credibility. Aspects in her disfavor immediately emerged because she was not able to prove her identity and origin, as well as her itinerary, by accordant documents."* In absence of convincing documents, a person's declarations concerning the most fundamental aspects of his or her identity (nationality, age, gender, religion, ethnic identity, even name) are systematically doubted by the officer meeting the asylum seeker for the obligatory interview. *"The problem is that you do not even know whom you are dealing with,"* complains a German asylum officer, and one of his French colleagues affirms that *"one of the most difficult tasks is to establish the national origin."*

Administrative systems encounter considerable difficulties in dealing with nomad or undocumented individuals who elude bureaucracy. Since national belonging and possession of correspondent identity and travel documents constitute central and normal elements of daily life in European countries, asylum officers tend to take their existence for granted even outside European borders. The unequivocal definitions of national identity and national origin are as relevant for processing the asylum file; yet doubt and uncertainty are cast upon them. The credence an officer will lend to the national origin claimed by the asylum seeker is of-

ten crucial to the outcome of his or her procedure. “*Armenians who state Assyrian origins and who assert having been persecuted due to these origins... sometimes I want to tell them after five minutes: you can go home. Because it is that obvious [that they do not have such origins, J.P.]*”, a French asylum officer claims. The detection of e.g. “false Russians”, “false Sri Lankans” or “false Sudanese” is an important challenge for administrations. A German asylum officer reports: “*Applications from Sudan are nearly 100% obviously unfounded. Among one hundred, you may have one real Sudanese. But as I said, over the years you get a feeling for it, and in this case, even differences in appearance and skin color are concerned... Mostly, the real are rather the Arabian type, and not the Negroid type, their language is different, the false Sudanese all speak English, or claimed that they only speak English to avoid revealing their true origins.*” In the course of their professional experience, asylum officers develop quite rigid mental constructions and stereotypes concerning the different countries of origin and the characteristics of the according asylum requests. Hence, the (alleged) nationality of an asylum seeker prompts anticipations concerning the quality, the complexity and the chances of success of an asylum application. Among the staff, every national group of asylum seekers has a specific reputation. These national stereotypes present the risk of becoming self-fulfilling prophecies: “*The Bangladeshis really are the most dreadful group of claimants. Other requests are more complicated, such as the Afghan ones. [...] Indeed, there are differences between nationalities. When preparing for an interview with a certain nationality we know that it will be more complicated*¹⁵” (French asylum officer). During the interview, officers tend to adapt their behavior according to the national origin of their respondent. Another French officer explains: “*I do not ask Armenians what their nationality or their citizenship is, because they do not make any distinctions. I will rather ask them: have you ever had a passport?*” Profound knowledge of the different countries of origin and national groups of claimants is considered a key qualification for taking an administrative decision on asylum applications. This knowledge provides assurance to the officers and may compensate for the extreme uncertainty about the asylum seekers’ assertions.

It is clear that nationality constitutes one of the most central elements of the daily administrative work of assessing asylum claims. National institutions process, classify and consider asylum claims with regard to the country of origin. Assigning asylum seekers to a national category therefore is an indispensable condition for processing their asylum files.

4 Conclusion

This text looks at two main questions: How does social research use the concepts of nation and citizenship in the analysis of social phenomena (such as immigration and asylum)? In how far is the observed social reality still shaped nationally? Theoretical debates and empirical examples illustrate that the answer to these questions fundamentally depends on the perspective adopted and on the object observed. While a nationally framed research design is probably unhelpful to study global migration-flows and transnational experiences of migrants, it can nevertheless be appropriate, perhaps invaluable, for the study of nationally embedded in-

stitutions or legal deployments. In studying state-run administrative systems in charge of enforcing national immigration policies, the national perspective is to be considered. Thus, the pertinence of the national criterion in research design depends on the perspective from which a topic such as migration is viewed. Accordingly, national belonging and citizenship as two dynamic and contested notions may be of varying relevance according to the context or the interactive situation. Beck's methodological cosmopolitanism may not be able to give a realistic account of the relevance that citizenship and national belonging have for populations that do not belong to freely moving elites, as several critiques already stated it.

Both field studies that allowed us to argue our thesis rely on a bi-national comparison. In fact, comparative research of that kind could be seen as derived from methodological nationalism on account of the national definition of its units of observation. We are, however, convinced that a comparative approach does not automatically render researchers blind for phenomena and implications that transcend national framework(s). It does not necessarily mean adopting a purely national perspective. In the cases considered in this article, an interesting fusion of national and transnational aspects related to the same object can be observed. Furthermore, bi-national comparison allows the researcher to see phenomena otherwise veiled by a "mono-national" point of view. The previous examples show that a comparative approach can also help to discover interesting parallels in the way nation states deal with transnational topics.

As demonstrated, the asylum systems, which are managed mainly nationally, are permanently challenged by the *international* character of the subject matter. Equally, immigration and citizenship policies of the two countries analyzed in this article have undergone convergence, at least since the year 2000. With a view to topics such as globalization and integration of immigrants, especially Germany had to adapt its citizenship policies and to render the nation more open to former "guest workers" and their descendants. The purely "ethnic" (Germany) versus "political" (France) understanding of nation assumed by researchers and politicians since the beginning of the 20th century is no longer valid. By analyzing citizenship, immigration and asylum policies of both societies, the perspective adopted in this article allows to draw a more detailed picture of nation, but also to demonstrate in which circumstances and situations nation and national identity become crucial and contested social categories. Processes of international convergence and the growing complexity of the world – such as European communitarization – call for a profound and simultaneous consideration of social and political issues both on a global and local or national level.

Notes

- 1 See Noiriel (2007): A quoi sert „l'identité nationale“. Marseille. The debate on "national identity" in France got a new dimension with the creation of a ministry of immigration, integration, national identity and solidary development ("Ministère de l'immigration, de l'intégration, de l'identité nationale et du développement solidaire").
- 2 This opposition is expressed in its oldest version by the famous work of Friedrich Meinecke (1907) and in its most modern version by Rogers Brubaker (1996).
- 3 In his famous book "Citizenship and nationhood in France and Germany" (1996) Rogers Brubaker claimed an ongoing fundamental difference between the two concepts of citizenship and nation in the two countries. He concluded that the political under-

standing of nationhood in France and the ethnic understanding in Germany are deep-rooted: "For several centuries (...) the prevailing French and German idioms of nationhood have differed markedly; and they continue to differ today. These distinctive understandings of nationhood are embodied and expressed in sharply differing definitions of citizenship. The expansive, assimilationist citizenship law of France, which automatically transforms second-generation immigrants into citizens, reflects the state-centered, assimilationist self-understanding of the French. And the German definition of the citizenry as a community of descent, restrictive toward non-German immigrants yet remarkably expansive toward ethnic German from Eastern Europe and the Soviet Union, reflects the pronounced ethnocultural idiom in German self-understanding" (Brubaker 1996, p. 14).

- 4 In his later work, Rogers Brubaker seems to have adapted his former thesis (Brubaker 2006).
- 5 In her dissertation published in 2001, Heike Hagedorn tried to disprove the thesis of Brubaker and to demonstrate the convergence of the French and German citizenship models. Based on an analysis of naturalization figures, naturalization practice and policies, and parliamentary debates on this issue in France and Germany, she concludes that the historical antagonism between German and French concepts of nationhood is no longer valid (Hagedorn 2001).
- 6 Due to the reform of the citizenship law in 2000, the acquisition of German citizenship has become easier. According to the law, an immigrant who has been living in Germany for at least 8 years, possesses a long-term residence permit, and has stable financial means fulfils the criteria for naturalization by entitlement ("Anspruchseinbürgerung").
- 7 See: <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/Migration/Integration/EingebuergerterPersonen/Tabellen/EinbuergerungenEinbuergerungsquoteLR.html> (March 16th 2013)
- 8 See: http://fr.wikipedia.org/wiki/Immigration_en_France#Naturalisation_des_.C3.A9trangers (March 16th 2013)
- 9 The Dublin II regulation enacted in 2002 completes the Dublin Convention from 1997 by enforcing a technical system which allows tracing the inner-European movements of asylum seekers ("Eurodac"). The mechanism is designed to prevent multiple asylum claims and to determine, for each single application, the single member state in charge of processing it. Owing to this legal-administrative deployment, migrants can only apply for asylum in the state where they have first been registered.
- 10 Gérard Noiriel (1998) notes that in history, welfare often comes along with surveillance and paternalism. He argues that "control via assistance" („le contrôle par l'assistance") is an elementary form of domination („une forme élémentaire de domination").
- 11 Council Directive 2003/8/CE of 27 January laying down minimum standards of reception conditions for asylum applicants.
- 12 Note that observations on which these conclusions are based have been made in 2010/2011. The BAMF is currently recruiting younger officers.
- 13 Eurostat database, available on http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database, visited on the 14th of March 2013.
- 14 "Federal office for the recognition of foreign refugees" (Bundesamt für die Anerkennung ausländischer Flüchtlinge).
- 15 Officers often try to collect information on the asylum seekers background (country of origin, political activities, routing...) in advance. This preparation enables them to better assess the truthfulness of the applicants' assertions.

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